



**DEPARTMENT OF HUMAN RESOURCES**

**CITY OF CHICAGO**

July 24, 2019

Matt Chapman  
Free Our Info, NFP  
MuckRock News  
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Dear Mr. Chapman:

This letter is in response to your Freedom of Information Act ("FOIA") request sent on July 9, 2019 and received by the Department of Human Resources ("DHR") on July 10, 2019. An extension was sought on July 19, 2019 and we are not timely responding to your request seeking:

- *A copy of all intergovernmental agreements.*

On July 1, 2019 you sent the same request and on July 9, 2019 we responding arguing it was burdensome and offering to help you narrow your request. You responded on July 9, 2019 narrowing your request. Specifically, you stated:

- *The records that I am seeking are those agreements that were created to satisfy the statutory requirements from (5 ILCS 220/) Intergovernmental Cooperation Act and other acts which include references to intergovernmental agreements, their creation, or maintenance. Of note, (5 ILCS 220/3.2). I am not sure how much further narrowing you'll need, as these are standard agreements throughout Illinois that should be readily available to maintain statutory requirements. Please reach out to the respective director, as defined by the Intergovernmental Cooperation Act.*

In response to your narrowed request please note that each City department is a "public body" under Section 2 of FOIA, 5 ILCS 140/2(a). See *Duncan Publishing, Inc. v. City of Chicago*, 304 Ill. App. 3d 778, 784, 709 N.E.2d 1281, 1286 (1st Dist. 1999) ("Clearly, each of the individual departments are subsidiary bodies of the City and are 'public bodies' as defined by the FOIA.") A FOIA request must be directed to the department that maintains the records you are seeking. That there is no Director as defined by the Intergovernmental Cooperation Act within this specific department of the City, specifically DHR, and therefore we cannot reach out to the respective director regarding these agreements.

Further, as stated in your July 9, 2019 response letter, your request for “all intergovernmental agreements” is burdensome on the operations of the DHR. Section 3(g) of FOIA provides that “[r]equests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” 5 ILCS 140/3(g). In order to comply with your request as written, this department would need to identify, procure and review an unknown quantity of records. Without direction from you as to a timeframe, such as the most recent intergovernmental agreements, such an endeavor would pose an undue burden on the operations of this department. As the Illinois Attorney General’s Public Access Counselor has noted (see 2017 PAC 47756, issued June 20, 2017), Illinois courts have held, “[a] request to inspect or copy must reasonably identify a public record[.]” *Chicago Tribune Co. v. Dept. of Financial and Professional Regulation*, 2014 IL App (4th) 130427, par. 33. A FOIA request “reasonably describes records if ‘the agency is able to determine precisely what records are being requested.’” *Kowalczyk v. Dept. of Justice*, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982)).

In addition, it is also unduly burdensome because your request for “*all intergovernmental agreements*” may include emails. In order to effectively run an email search, the DHR needs key words and the names or email accounts that you wish searched. The present email system’s tool set cannot identify the department where an email user works, and therefore, a search cannot be based on a department. Parameters that would assist the DHR in conducting an email search include: (1) the e-mail address of the account you wish searched; (2) key words you wish to search for; (3) the e-mail address of each individual’s mailbox, if you seek e-mail correspondence to and from two individuals; and (4) the timeframe to be searched.

It is necessary that your FOIA request be narrowed and clarified. If you would like assistance in narrowing your request, please contact me, and I will assist you. Otherwise, for the reasons provided above, the DHR is unable to respond to your FOIA request as currently drafted.

If you agree to narrow your request, you must submit a revised written request to my attention. We will take no further action or send you any further correspondence unless and until your current request is narrowed in writing.

To the extent that you consider this a denial of your FOIA request, you have a right of review by the Illinois Attorney General’s Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at (217) 558-0486. You may also seek judicial review of a denial under 5 ILCS 140/11 of FOIA.

Sincerely,



Michelle Levar  
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City of Chicago Department of Human Resources